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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

FERGUSON, MICHAEL P

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 12/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/089,746

Applicant(s)

NILSSON, IVAR

Examiner

Michael P. Ferguson

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 July 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION***Specification***

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Claim Objections

1. Claims 1, 7-14 and 19-39 are objected to because of the following informalities:

Claim 1 (line 5) recites "the opposing second end". It should recite --an opposing second end--.

Claim 7 (line 2) recites "the casing body comprises". It should recite --each casing body comprises--.

Claim 8 (line 2) recites "a recess in the casing viewed in". It should recite --a recess in one of the casing bodies viewed in--.

Claim 9 (line 2) recites "accommodated by the said recess". It should recite --accommodated by said recess--.

Claim 10 (line 2) recites "at least one casing body... through the casing body". It should recite --the other casing body... through said other casing body--.

Claim 11 (line 7) recites "supprt members fast so that". It should recite --support members fast, so that--.

Claim 12 (line 7) recites "the wire ends". It should recite --the draw wire and the bracing wire--.

Claim 13 (line 2) recites "at least one said casing body". It should recite --one of said casing bodies--.

Claim 13 (line 4) recites "during coupling together". It should recite --during coupling together the casing body and the intermediate part--.

Claim 13 (line 6) recites "the latter". It should recite --the casing body--.

Art Unit: 3679

Claim 14 (line 2) recites "at least one said casing body". It should recite --the other said casing body--.

Claims 19-23 (line 2) recite "the casing body comprises". It should recite --each casing body comprises--.

Claims 24-28 (line 2) recite "a recess in the casing viewed in". It should recite --a recess in one of the casing bodies viewed in--.

Claims 29-33 (line 2) recite "accommodated by the said recess". It should recite --accommodated by said recess--.

Claim 34 (line 2) recites "at least one casing body". It should recite --one of the casing bodies--.

Claims 35-39 (line 2) recite "at least one casing body... through the casing body". It should recite --the other casing body... through said other casing body--.

For the purpose of examining the application, it is assumed that appropriate correction has been made.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-7 and 15-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Howlett (USPN 3,387,417).

Art Unit: 3679

As to claim 1, Howlett discloses a connecting element for joining two support members **13,19** absorbing tensile forces, the connecting element comprising:

a first and a second casing body **17,31** with a through-hole in each casing body for receiving the respective support members, which casing bodies can be joined together by way of a joining section at a first end of each casing body, an opposing second end of each casing body being provided with a locking member or holding the support members fast,

wherein in a working position the locking member of one casing body produces an axial locking of the support member running through the casing body by way of a stop part **16,29** created on the support member with the area of the second end of the casing body (Figures 1-3).

As to claim 2, Howlett discloses a connecting element wherein a stop part **16,29** is an upset part produced on a support member **13,19** and having a diameter larger than a diameter of the support member (Figure 2).

As to claim 3, Howlett discloses a connecting element wherein a through-hole is of stepped design with a first shoulder, against which a stop part **16,29** rests (Figure 2).

As to claim 4, Howlett discloses a connecting element wherein a first shoulder has a bevel against which a stop part rests **16,29** (Figure 2).

As to claim 5, Howlett discloses a connecting element wherein a locking member comprises two casing parts **27,28** which in a working position form a

Art Unit: 3679

stop casing, which forms a second shoulder, against which a stop part **16,29** rests (Figures 1 and 2, column 3 lines 57-65).

As to claim 6, Howlett discloses a connecting element wherein a second shoulder is formed inside a stop casing.

As to claim 7, Howlett discloses a connecting element wherein a joining section of each casing body **17,31** comprises means for joining the casing body to an intermediate part **18** (Figure 2).

As to claim 15, Howlett discloses a connecting element wherein a through-hole is of stepped design with a first shoulder, against which a stop part rests **16,29** (Figure 2).

As to claim 16, Howlett discloses a connecting element wherein a first shoulder has a bevel against which a stop part **16,29** rests (Figure 2).

As to claim 17, Howlett discloses a connecting element wherein a locking member comprises two casing parts **27,28** which in a working position form a stop casing, which forms a second shoulder, against which a stop part **16,29** rests (Figures 1 and 2, column 3 lines 57-65).

As to claim 18, Howlett discloses a connecting element wherein a second shoulder is formed inside a stop casing.

As to claim 19, Howlett discloses a connecting element wherein a joining section of each casing body **17,31** comprises means for joining the casing body to an intermediate part **18** (Figure 2).

Art Unit: 3679

As to claim 20, Howlett discloses a connecting element wherein a joining section of each casing body **17,31** comprises means for joining the casing body to an intermediate part **18** (Figure 2).

As to claim 21, Howlett discloses a connecting element wherein a joining section of each casing body **17,31** comprises means for joining the casing body to an intermediate part **18** (Figure 2).

As to claim 22, Howlett discloses a connecting element wherein a joining section of each casing body **17,31** comprises means for joining the casing body to an intermediate part **18** (Figure 2).

As to claim 23, Howlett discloses a connecting element wherein a joining section of each casing body **17,31** comprises means for joining the casing body to an intermediate part **18** (Figure 2).

4. Claims 11 is rejected under 35 U.S.C. 102(b) as being anticipated by Walsten (USPN 5,938,180).

As to claim 11, Walsten discloses a method for fitting a support member to a building construction by means of a connecting element **20,42**, the method comprising the following steps:

passing a draw wire **10** through a cable duct together with the connecting element, which comprises a first and a second casing body with a through-hole in each casing body for receiving respective support members, and which casing bodies can be joined together via a joining section at a first end of each casing body, an opposing second end of each casing body being provided with a locking

Art Unit: 3679

member for holding the support members fast, so that the connecting element finishes up in an area of a first foundation;

connecting a bracing wire **10** to the connecting element coupled to the draw wire;

passing the bracing wire through the cable duct in the opposite direction by means of the draw wire and the coupled connecting element, so that the connecting element finishes up in an area of a second foundation;

fastening the bracing wire to the first or second foundation; and

detaching the connecting element from the bracing wire (Figures 5 and 6, column 1 lines 13-29).

Allowable Subject Matter

5. Claims 8-10, 12-14 and 24-39 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter:

As to claim 8, Howlett fails to disclose a connecting element wherein in a working position a recess in one of the casing bodies viewed in the longitudinal direction of the casing body and the intermediate part, aligns with a fixing unit and encloses the casing body, the fixing unit being arranged so that it can be fixed to the intermediate part, and a projecting member of the fixing unit being accommodated by the recess, so that the casing body can be torsionally locked to the intermediate part.

Art Unit: 3679

As to claim 24, Howlett fails to disclose a connecting element wherein in a working position a recess in one of the casing bodies viewed in the longitudinal direction of the casing body and the intermediate part, aligns with a fixing unit and encloses the casing body, the fixing unit being arranged so that it can be fixed to the intermediate part, and a projecting member of the fixing unit being accommodated by the recess, so that the casing body can be torsionally locked to the intermediate part.

As to claim 25, Howlett fails to disclose a connecting element wherein in a working position a recess in one of the casing bodies viewed in the longitudinal direction of the casing body and the intermediate part, aligns with a fixing unit and encloses the casing body, the fixing unit being arranged so that it can be fixed to the intermediate part, and a projecting member of the fixing unit being accommodated by the recess, so that the casing body can be torsionally locked to the intermediate part.

As to claim 26, Howlett fails to disclose a connecting element wherein in a working position a recess in one of the casing bodies viewed in the longitudinal direction of the casing body and the intermediate part, aligns with a fixing unit and encloses the casing body, the fixing unit being arranged so that it can be fixed to the intermediate part, and a projecting member of the fixing unit being accommodated by the recess, so that the casing body can be torsionally locked to the intermediate part.

As to claim 27, Howlett fails to disclose a connecting element wherein in a working position a recess in one of the casing bodies viewed in the longitudinal

Art Unit: 3679

direction of the casing body and the intermediate part, aligns with a fixing unit and encloses the casing body, the fixing unit being arranged so that it can be fixed to the intermediate part, and a projecting member of the fixing unit being accommodated by the recess, so that the casing body can be torsionally locked to the intermediate part.

As to claim 28, Howlett fails to disclose a connecting element wherein in a working position a recess in one of the casing bodies viewed in the longitudinal direction of the casing body and the intermediate part, aligns with a fixing unit and encloses the casing body, the fixing unit being arranged so that it can be fixed to the intermediate part, and a projecting member of the fixing unit being accommodated by the recess, so that the casing body can be torsionally locked to the intermediate part.

As to claim 34, Howlett fails to disclose a connecting element wherein a joining section of one of the casing bodies is torsionally locked by means of a locking pin, which can be inserted through a hole through the casing body and the intermediate part.

It would not have been obvious to one having ordinary skill in the art at the time the invention was made to modify a connecting element as disclosed by Howlett to have any of the above mentioned elements as the prior neither teaches nor suggests such modifications.

As to claim 12, Walsten fails to disclose a method comprising the steps of:
applying each casing body over a stop part produced on the respective support member;

Art Unit: 3679

fitting two casing parts around each support member;

drawing each support member so that the stop part bears against the casing parts, which casing parts in a working position rest against an internal shoulder in the through-hole whilst the stop part rests against the casing parts in order to produce an axial locking of the draw wire and the bracing wire; and

joining a casing body to an intermediate part.

It would not have been obvious to one having ordinary skill in the art at the time the invention was made to modify a method as disclosed by Walsten to have the above mentioned steps as the prior neither teaches nor suggests such modifications.

Conclusion

The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure. The following patents show the state of the art with respect to connecting elements:

Kratoville (USPN 2,339,488), Bernard et al. (USPN 4,438,612) and Asai (USPN 4,733,442) are cited for pertaining to connecting elements having first and second casing bodies and an intermediate part.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Ferguson whose telephone number is (703)308-8591. The examiner can normally be reached on M-F (7:30-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H. Browne can be reached on (703)308-1159. The

Art Unit: 3679

fax phone number for the organization where this application or proceeding is assigned is (703)872-9326.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1114.

MPF


Lynne H. Browne
Supervisory Patent Examiner
Group Art Unit 3679